

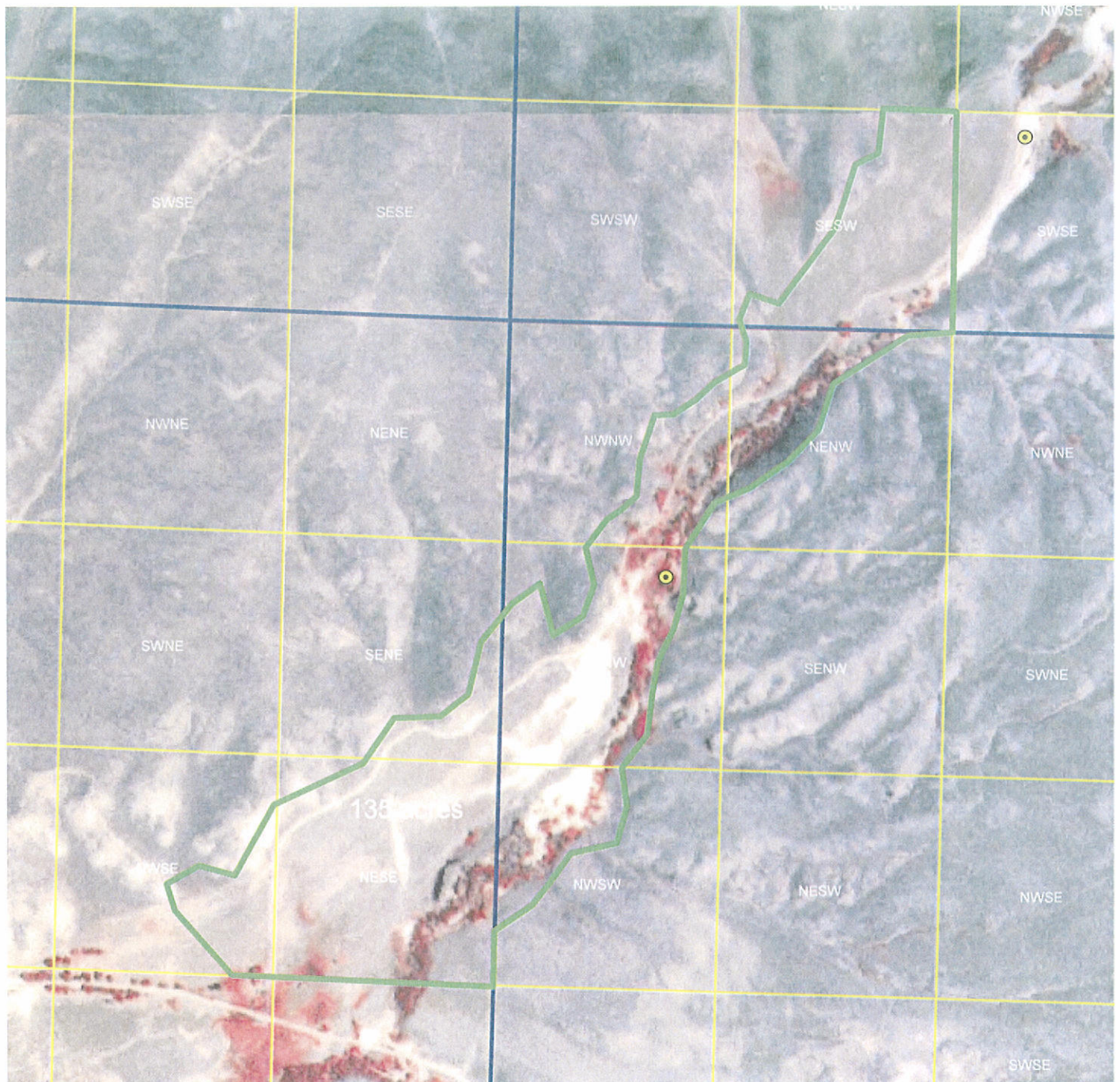
SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.





W. H. H. H.

# Idaho Department of Water Resources

## 63-2046


T01N R05E S8, 17, 18



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter



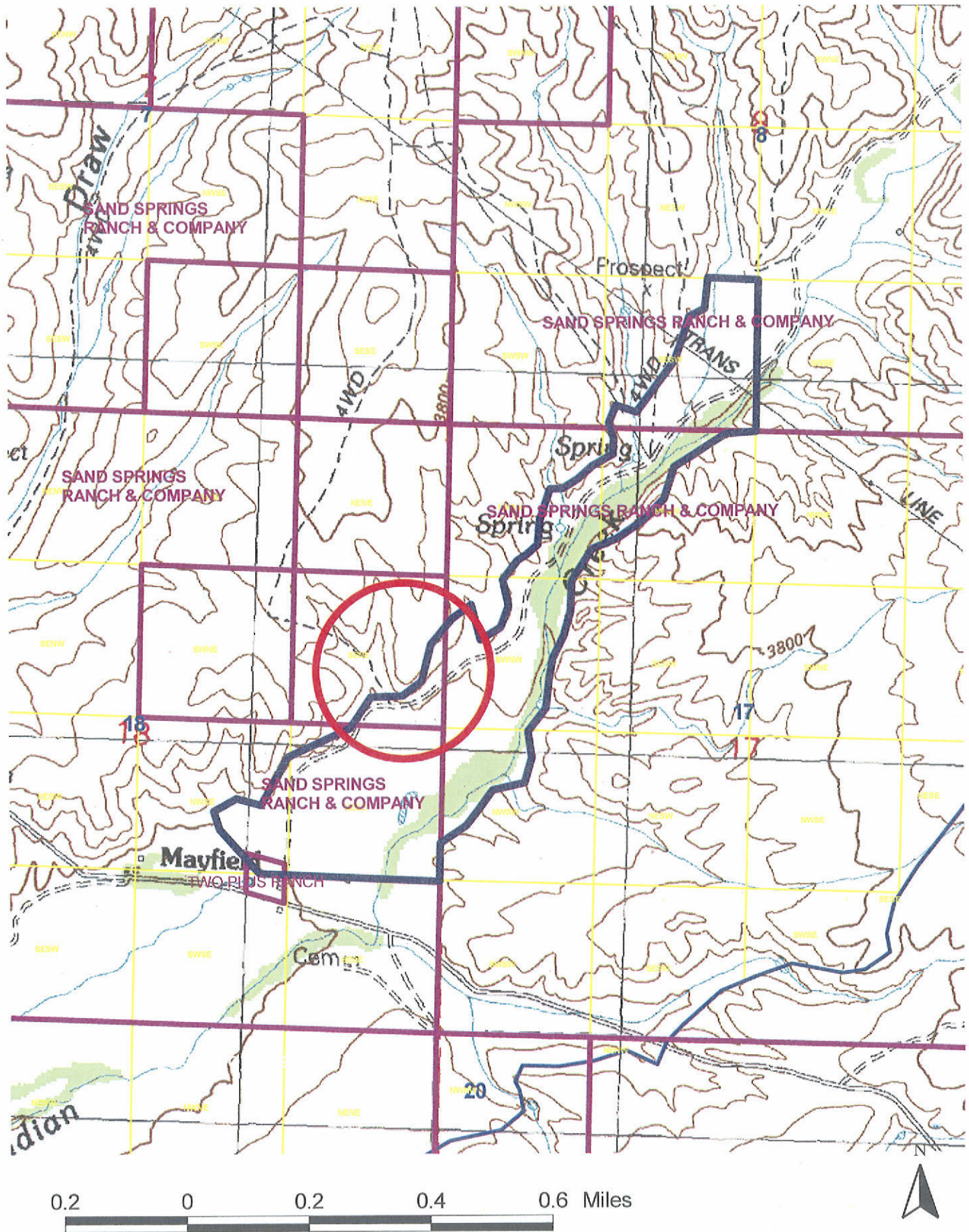
700 0 700 1400 2100 Feet

A scale bar with markings for 700, 0, 700, 1400, and 2100 feet.

IDWR  
Prepared by: Sandy Egbert  
Date: 9-28-05  
1987 Photography

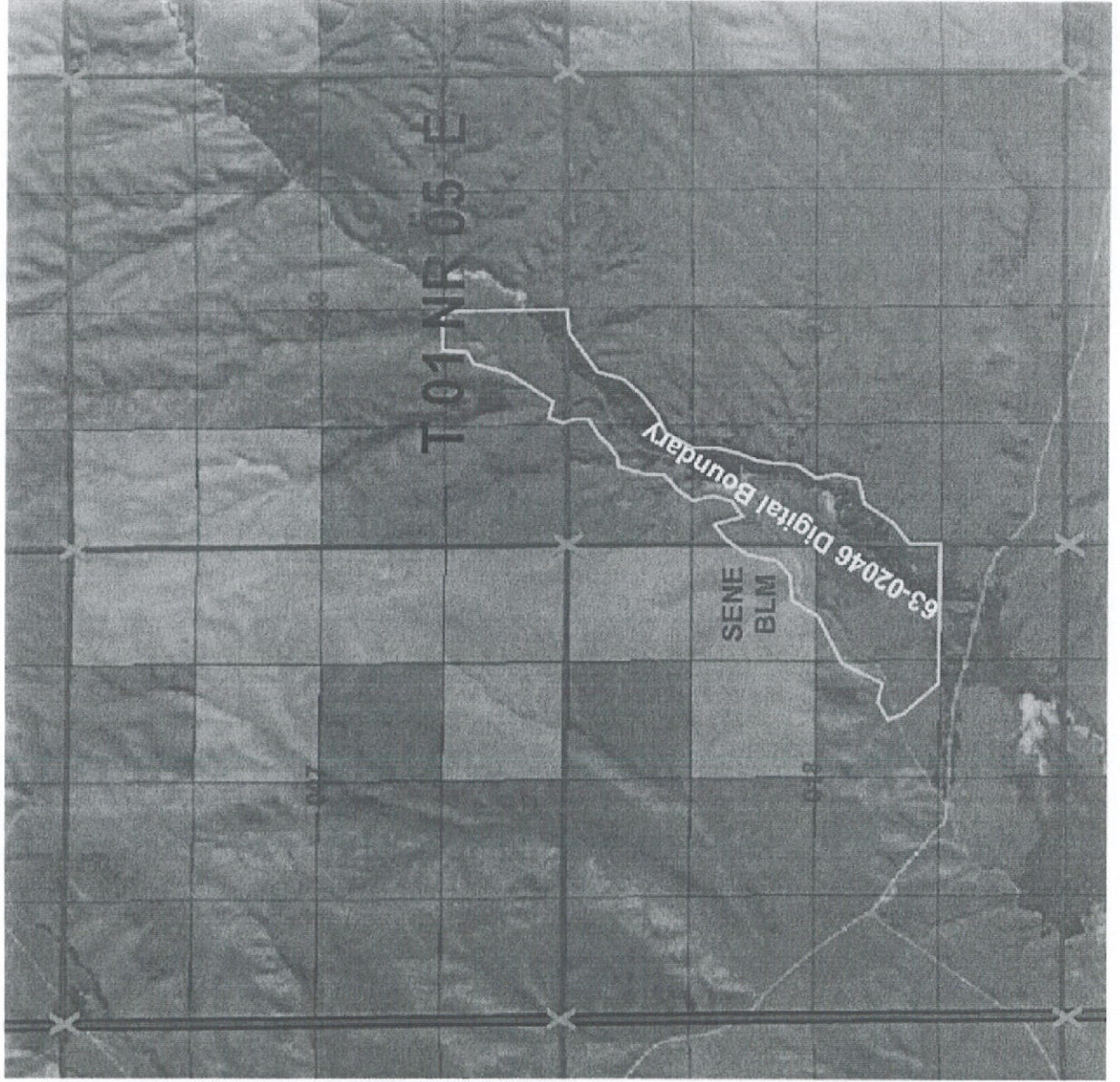


63-2046

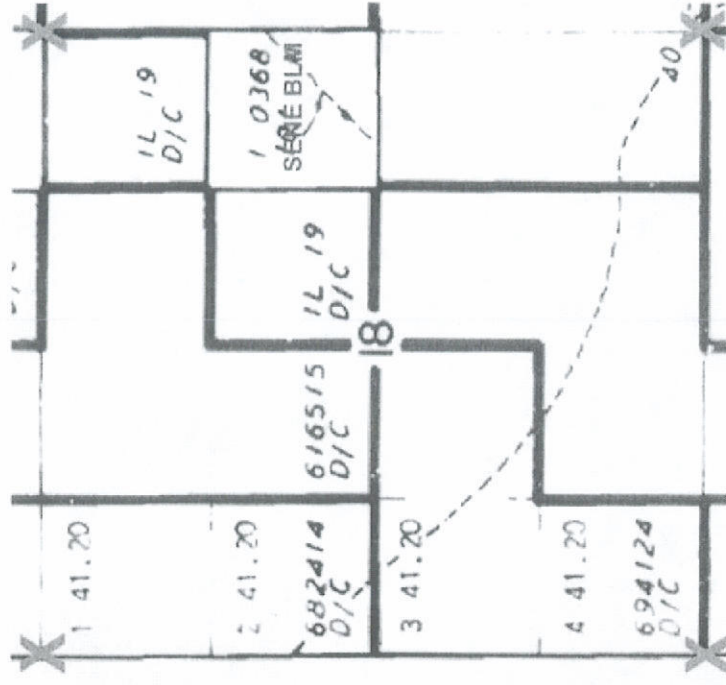
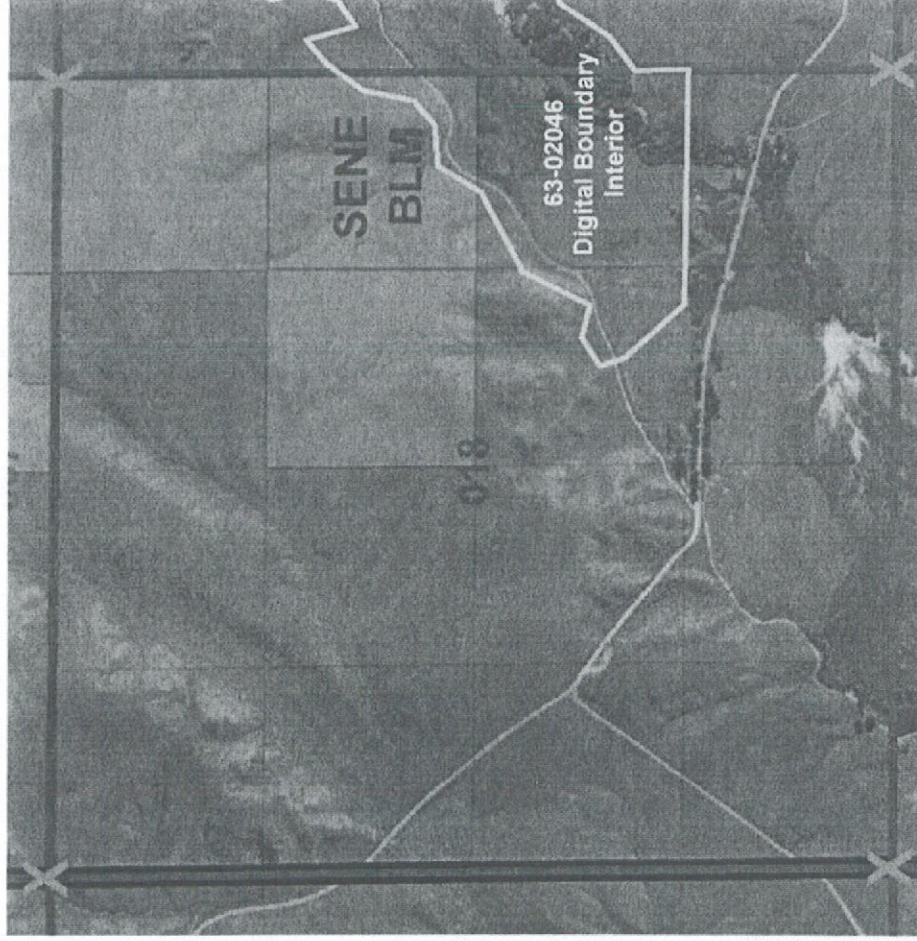




27-02046



27-02046  
T01N R05E S18



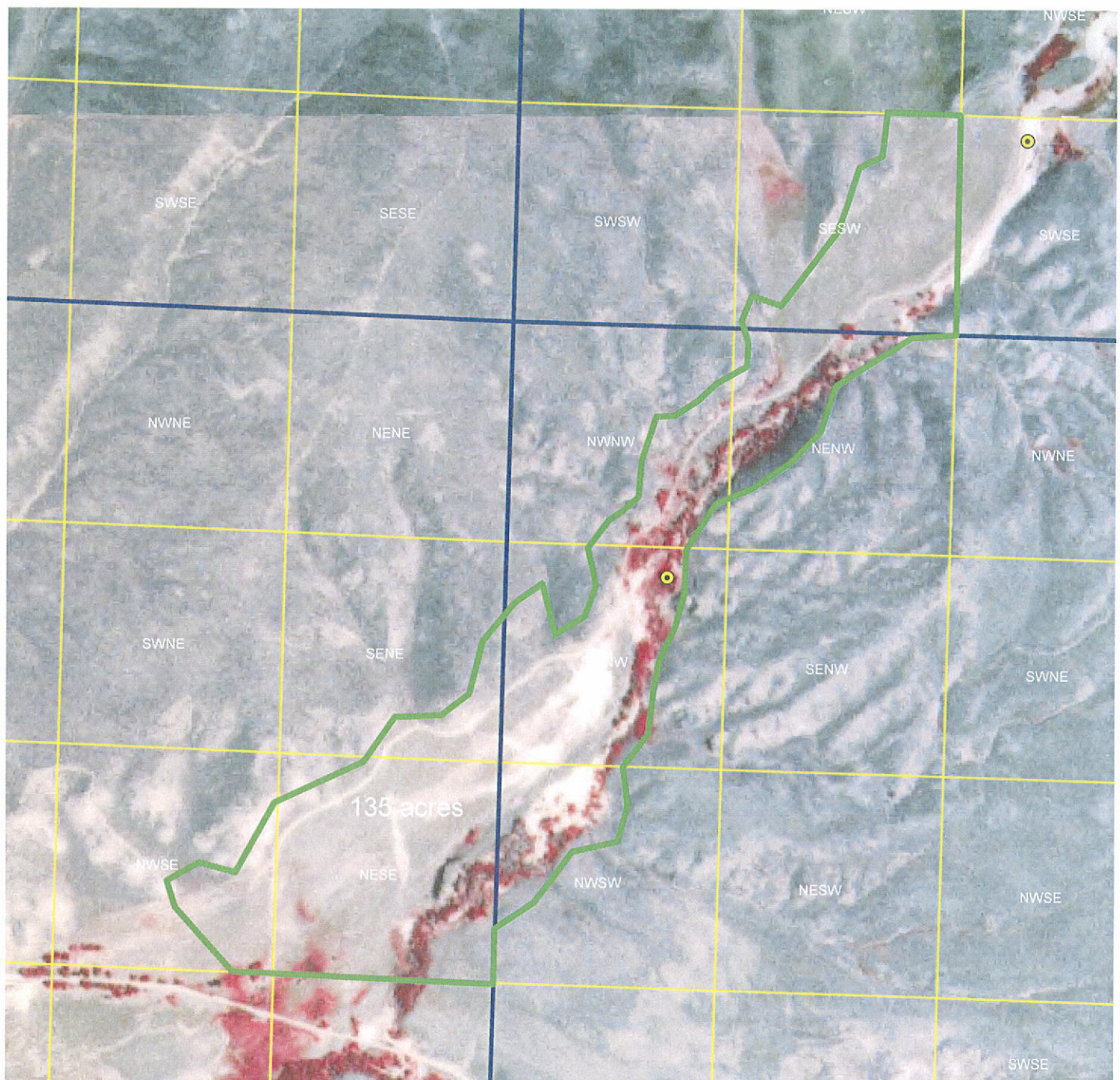
-Remove POU on BLM and adjust shapefile accordingly.



# Idaho Department of Water Resources

## 63-2046

### T01N R05E S8, 17, 18



- Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter



IDWR  
Prepared by: Sandy Egbert  
Date: 9-28-05  
1987 Photography

700 0 700 1400 2100 Feet







IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-02046  
Date Received: 12/07/1989  
Receipt No: CO13371  
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: TWO PLUS RANCH 208-342-8862  
Address: 274 MOBLEY LANE  
BOISE, ID 83712
2. Date of Priority: NOV 07, 1906
3. Source: INDIAN CREEK Trib. to: INDIAN CREEK RESERVOIR
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01N      | 05E   | 8       | SW     | SE     |        |     | ELMORE |
|          |       | 17      | SW     | NW     |        |     | ELMORE |
5. Description of diverting works:  
DAMS IN CREEK, DITCHES TO PLACE OF USE
6. Water is used for the following purposes:
- | Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/01 | 11/01 | 3.400  |      |        |
7. Total Quantity Appropriated is:  
3.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 225.0 Acre Feet Per Annum.
9. Non-irrigation uses:  
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	05E	8	SE	SW		IRR	40.0
						Section Acres	40.0

A63-02046

Page 1

Date: 12/07/89

SCANNED  
OCT 04 2006

MICROFILMED  
AUG 18 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	05E	17	NE	NE		IRR	20.0
			NW	NE		IRR	20.0
			SW	NE		IRR	20.0
			SW	NW		IRR	5.0
					Section Acres		65.0
		18	SE	NE		IRR	15.0
			NE	SE		IRR	40.0
			NW	SE		IRR	15.0
					Section Acres		70.0
					Total Acres		175.0

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
NONE

14. Remarks:  
TRANS. 1951.

15. Basis of Claim: LICENSE  
Water Right Number: 2376



16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

**For Organizations:**

I do solemnly swear or affirm that I am Owner of \_\_\_\_\_ Title

Two Plus Ranches, that I have signed the foregoing Organization

document in the space below as Owner of \_\_\_\_\_ Title

Two Plus Ranches and that the statements contained in the Organization  
foregoing document are true and correct.

William C. Davis  
Signature of Authorized Agent

Owner Two Plus Ranches  
Title and Organization

12-7-89  
Date

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 7 day  
of DECEMBER 19 89

Jeff Peppersack  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Jeff Peppersack, Notary Public  
Residing at Boise, Idaho  
My Commission Expires Nov. 8, 1994



Identification No.

#1951

Transfer No.

63 2046

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

**APPROVED**

**APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and/or the Place of Use**

1. Name of Right Holder Western Land & Cattle Company  
Post office address Mayfield Stage, Boise, Idaho
2. Right obtained by:
  - a. Decree to \_\_\_\_\_ in Case of \_\_\_\_\_  
(Name)  
vs. \_\_\_\_\_, Dated \_\_\_\_\_ in \_\_\_\_\_  
(Name of Court)  
Court, County of \_\_\_\_\_
  - b. License No. 63-2046 issued by the State of Idaho, Department of Reclamation.  
(Boise River) +
3. Source of water Indian Creek tributary to Indian Creek Reservoir +  
(Name of stream or source)
4. Date of Priority 11/7/1906
5. Amount of water a. 3.4 c.f.s. and/or  
b. \_\_\_\_\_ acre feet/annum
6. Water is used for Irrigation from March 1 to Nov. 1  
(Month, Day) (Month, Day)
7. Original location of point of diversion is SW 1/4 NW 1/4 of Section 19  
Township 1 N., Range 5 E., B.M. in Elmore County;  
Additional points of diversion, if any at a point near quarter section line between  
Northwest quarter and Southwest quarter of Sec. 19, T. 1 N., R. 5 E., B.M.

B. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
1 N.	5 E.	24				35				40	30	30			30				165

Total number of acres presently irrigated 165

63 2046



- b. Do you intend to make the transfer permanent? YES
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:  
YES
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: NONE
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 16th day of February, 1974  
Dennis J. Holt  
(notary public)

My commission expires 6-15-77

**ACTION OF STATE RECLAMATION ENGINEER  
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 63-2046,  
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 24 day of March, 1974

[Signature]  
Director  
Department of Water Administration

Rec'd #13668 **FOR DEPARTMENT USE ONLY**

Received by [Signature] Date 2-06-74

Protest filed by: \_\_\_\_\_ Date: \_\_\_\_\_

Prelim. check by EDB Date 5 Feb 1974

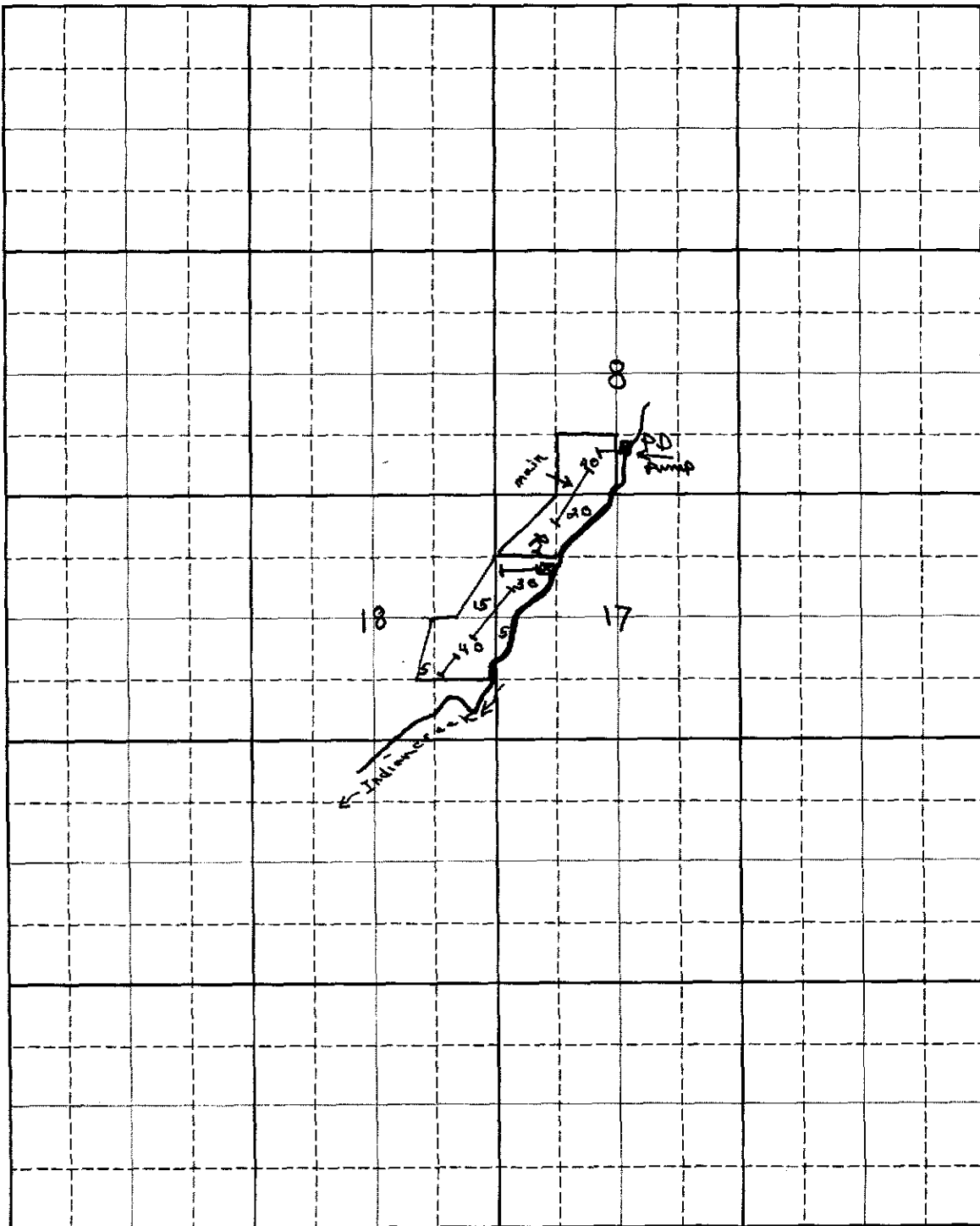
Fee received by [Signature] Date 2/06/74 Fee \$ 30.00

Approved for publication by: \_\_\_\_\_

Published in Mt. View News Dates 2-14 & 2-21-74

Hearing held: \_\_\_\_\_

Watermaster Recommendation sent: \_\_\_\_\_



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.



9. If applicant was not the original holder of this right explain how it was acquired. Land acquired  
by purchase from Gem Valley Ranches who acquired it from owner unknown from  
Jennie L. Beck of Boise, Idaho

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 3.4 c.f.s. and/or \_\_\_\_\_ acre feet
- b. New point of diversion: SW 1/4 NW 1/4, Section 17, Township 1 N.  
, Range 5 E., B.M. & SW 1/4 Sec. 8, T. 1 N., R. 5 E., B.M.
- c. Description of method of diversion and conveyance from new points of diversion: Pump from  
stream to sprinkler systems.
- d. Is water to be conveyed to the lands previously irrigated? Yes \_\_\_\_\_ No X  
 If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:  
To provide a more economical usage of the water on better land.
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? Yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1 N.	5 E.	8												40					40
		17	20	20	20				5										65
		18				15									40	15			55

Total number of acres to be irrigated 165

\*\*\*\*\*  
Elmore County \*  
Indian Creek \*\*  
3.4 sec.ft. \*  
Irrigation \*  
Priority-11-7-06 \*  
\*\*\*\*\*

STATE OF IDAHO

Water License No. 2376.

WHEREAS, On the 7th day of November, A. D. 1906, JENNIE L. BECK of Boise, County of Ada and State of Idaho, duly made application (No.3356) to me for a permit to use 4 cubic feet per second of the waters of Indian Creek, County of Elmore, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 10th day of November, A. D. 1906, Permit No. 2376 was issued to said applicant for the diversion said water, and providing for the completion of the works of diversion therein described on or before the 10th day of November, A. D. 1908, and for the application to beneficial use of said water on or before the 10th day of November, A.D.1910, and,

WHEREAS, On the 25th day of January, A. D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.4 cubic feet per second of said waters, as evidenced by my Certificate No. 2376, dated January 28, 1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.4 cubic feet per second of water, with date of priority of November 7, 1908, and,

WHEREAS, On the 25th day of January, A. D. 1908, proof was duly made of the application to beneficial use of 3.4 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JENNIE L. BECK of Boise, Idaho, the holder and owner of said Permit No. 2376, a perpetual right, dating from November 7, 1908, to the use of 3.4 cubic feet per second of the waters of Indian Creek, in the County of Elmore and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point near quarter section line between Northwest quarter and Southwest quarter of Section 19, T.1 N., R. 5 E. B. M. and conducted to and upon about (35 acres in Southwest quarter of Northeast quarter (SW4 NE4); 30 acres in Northwest quarter of Southeast quarter (NW SE); 40 acres in Southeast quarter of Northwest quarter (SE NW); 30 acres in Northeast quarter of Southwest quarter (NE SW); 30 acres in Northwest quarter of Southwest quarter (NW SW); Sec.24, T.1 N., R. 5 E. B. M. for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office at Boise, Idaho, this 28th day of January, A. D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.

State Engineer.

(SEAL)

Recorded January 28, 1908.



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

2007 MAY 7 AM 10 47

In Re SRBA  
Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 63-02046

NAME AND ADDRESS: ARK PROPERTIES LLC  
C/O JOHN MCCALLUM  
11204 N BAR 21 DR  
GLENN'S FERRY, ID 83623-5033

SOURCE: INDIAN CREEK TRIBUTARY: INDIAN CREEK RESERVOIR

QUANTITY: 2.58 CFS

PRIORITY DATE: 11/07/1906

POINT OF DIVERSION: T01N R05E S08 SWSE Within Elmore County  
S17 SNNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.58 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T01N R05E S08	SESW 23.0
	S17	NENW 13.0 NWNW 10.0
		SNNW 24.0 NWSW 11.0
	S18	NESE 40.0 NWSE 8.0
	129.0 Acres Total	

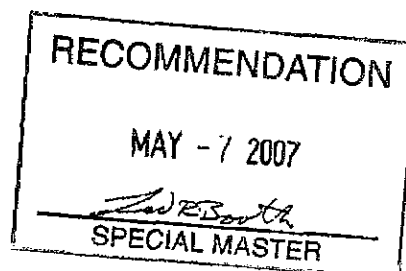
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication



RECEIVED

MAY - 8 2007

Department of Water Resources  
Adjudication Bureau

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2007 MAY 7 AM 10 46

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA ) SPECIAL MASTER'S REPORT  
Case No. 39576 )  
 ) FINDINGS OF FACT AND  
 ) CONCLUSIONS OF LAW  
 )  
 ) FOR WATER RIGHT 63-02046

I. FINDINGS OF FACT

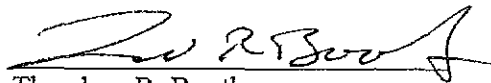
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 20, 2006, the United States of America, Department of Interior, Bureau of Land Management, filed an objection to the *Director's Report*, asserting that the place of use cannot include federal public land. On May 1, 2007, the parties to the subcase filed a *Standard Form 5 - Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-02046 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated May 3, 2007



Theodore R. Booth  
Special Master  
Snake River Basin Adjudication



DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2007 MAY 7 AM 10 47

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

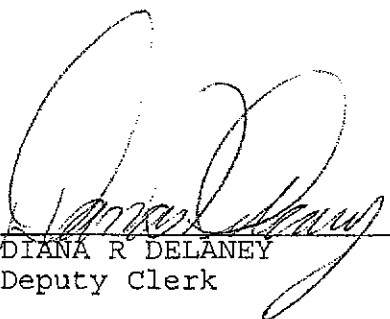
Water Right(s): 63-02046

On May 07, 2007, Special Master THEODORE R. BOOTH  
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)  
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party  
to the adjudication including parties to the subcase, may file a Motion  
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate  
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION  
shall constitute a waiver of the right to challenge it before the  
Presiding Judge.

DATED May 07, 2007.

  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2007 MAY 7 AM 10 47

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

Case No. 39576 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 63-02046

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 07, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

ARK PROPERTIES LLC  
CASA DEL NORTE LLP  
Represented by:  
BRUCE M. SMITH  
950 W BANNOCK STE 520  
BOISE, ID 83702  
Phone: 208-331-1800

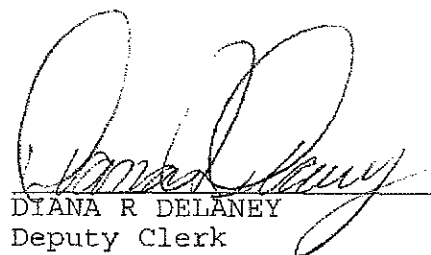
UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1  
05/07/07



ARK PROPERTIES LLC  
C/O JOHN MCCALLUM  
11204 N BAR 21 DR  
GLENN'S FERRY, ID 83623-5033



DIANA R DELANEY  
Deputy Clerk



**IDWR Concurrence:**

*Sandy Egbert*      *3-30-07*  
Sandy Egbert      Date  
GIS Specialist

\_\_\_\_\_  
Nicholas B. Spencer      Date  
Deputy Attorney General for IDWR



## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2007 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

USDI-BLM  
US Department of Justice  
Environment & Natural Resources  
550 West Fort Street, MSC 033  
Boise, ID 83724

ARK Properties, LLC  
C/o John McCallum  
11204 N Bar 21 Drive  
Glenns Ferry, ID 83623

Bruce M. Smith  
950 West Bannock, Suite 520  
Boise, ID 83702

IDWR Repository  
P.O. Box 83720  
Boise, ID 83720

---

Signature of person mailing the form

03/30/2007

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2046

NAME AND ADDRESS: ~~TWO PLUS RANCH~~  
~~274 MOBLEY LN~~  
~~BOISE ID 83712~~

ARK PROPERTIES LLC  
11204 N BAR 21 DR  
GLENN'S FERRY ID 83623-5033

SOURCE: INDIAN CREEK

TRIBUTARY: INDIAN CREEK RESERVOIR

QUANTITY: ~~2.70 CFS~~  
2.580 CFS

PRIORITY DATE: 11/07/1906

POINT OF DIVERSION:

T01N R05E S8 SWSE Within ELMORE County

T01N R05E S17 SWNW Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.70 CFS 2.580 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T01N R05E S08	SESW	23.00	T01N R05E S17	NENW	13.00
T01N R05E S17	NWNW	10.00	T01N R05E S17	SWNW	24.00
T01N R05E S17	NWSW	11.00	T01N R05E S18	NESE	40.00
T01N R05E S18	NWSE	8.00	<del>T01N R05E S18</del>	<del>SENE</del>	<del>6.0</del>

~~135 ACRES TOTAL~~  
129 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcase No. 63-2046  
)  
)  
)  
)  
)  
)  
)

**STANDARD FORM 5**

**STIPULATED ELEMENTS OF A  
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANT(s)/RESPONDENT(s):**

Casa del Norte, LP

**OBJECTOR(s):**

USDI-BLM

\_\_\_\_\_  
Bruce Smith  
Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry A. Brown *LAW*  
Attorney  
Dept. of Justice

\_\_\_\_\_  
Date



**IDWR Concurrence:**

\_\_\_\_\_  
Sandy Egbert  
GIS Specialist

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nicholas B. Spencer (as to form)    Date  
Deputy Attorney General for IDWR

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

Casa Del Norte, LP  
c/o John McCallum  
11204 N Bar 21 Dr  
Glenns Ferry, ID 83623

Bruce M. Smith  
225 North Ninth Street, Suite 420  
Boise, ID 83702

USDI-BLM  
Dept of Justice  
550 West Fort Street, MSC 033  
Boise, ID 83724

IDWR Repository  
P.O. Box 83720  
Boise, ID 83720

---

Signature of person mailing the form

11/30/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2046

NAME AND ADDRESS: ~~TWO PLUS RANCH~~ CASA DEL NORIE, LP  
~~274 MOSELEY LN~~ c/o JOHN MCCALLUM  
~~BOISE ID 83712~~ 11204 N Bar 21 Drive  
GLENNS FERRY, ID 83623

SOURCE: INDIAN CREEK

TRIBUTARY: INDIAN CREEK RESERVOIR

QUANTITY: ~~2.700 CFS~~ 2.580 CFS

PRIORITY DATE: 11/01/1906

POINT OF  
DIVERSION:

101N R05E S8 SWSE Within ELMORE County  
101N R05E S17 SWNW Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03/15 11/15	<u>2.580 CFS</u> <del>2.700 CFS</del>
PLACE OF USE:	<u>IRRIGATION in ELMORE County</u>		
	101N R05E S08	SESW 23.00	101N R05E S17 NENW 13.00
	101N R05E S17	NWNW 10.00	101N R05E S17 SWNW 24.00
	101N R05E S17	NWSW 11.00	<del>101N R05E S18 SESE 6.00</del>
	101N R05E S18	NESE 40.00	101N R05E S18 NWSE 8.00

135 129 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2046

NAME AND ADDRESS: ARK PROPERTIES LLC  
C/O JOHN MC CALLUM  
11204 N BAR 21 DR  
GLENNS FERRY ID 83623-5033

~~TWO PLUS RANCH~~  
~~274 MOBLEY LN~~  
~~BOISE ID 83712~~

SOURCE: INDIAN CREEK

TRIBUTARY: INDIAN CREEK RESERVOIR

QUANTITY: 2.70 CFS

PRIORITY DATE: 11/07/1906

POINT OF DIVERSION:

T01N R05E S8 SWSE Within ELMORE County

T01N R05E S17 SWNW Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.70 CFS

PLACE OF USE: IRRIGATION in ELMORE County

T01N R05E S08	SESW	23.00	T01N R05E S17	NENW	13.00
T01N R05E S17	NWNW	10.00	T01N R05E S17	SWNW	24.00
T01N R05E S17	NWSW	11.00	T01N R05E S18	NESE	40.00
T01N R05E S18	NWSE	8.00	T01N R05E S18	SENE	6.0

135 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Water Rights: 63-2046

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following administrative proceeding:

☐

Address change

XX

Substitution of Party

☐

IC § 42-222 transfer

☐

Point of diversion

☐

Place of use

☐

Period of use

☐

Nature of use

☐

Split of water right

☐

Change in ownership

☐

Other

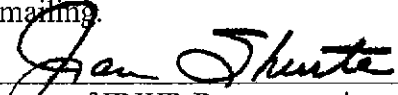
☐

IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: April 3, 2007

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on April 3, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

Clerk of the District Court	<input type="checkbox"/>	overnight mail
Snake River Basin Adjudication	<input checked="" type="checkbox"/>	regular mail
P.O. Box 2707	<input type="checkbox"/>	hand-delivered
Twin Falls, ID 83303-2707	<input type="checkbox"/>	facsimile

### 2. Copies to:

Clive Strong	<input type="checkbox"/>	overnight mail
Off ice of the Attorney General	<input checked="" type="checkbox"/>	regular mail
P.O. Box 44449	<input type="checkbox"/>	hand-delivered
Boise, ID 83711-4449	<input type="checkbox"/>	facsimile

United States Dept of Justice	<input type="checkbox"/>	overnight mail
Environment & Natural Resource Div	<input checked="" type="checkbox"/>	regular mail
550 West Fort Street MSC 033	<input type="checkbox"/>	hand-delivered
Boise ID 83724	<input type="checkbox"/>	facsimile

### 3. Copies to all parties to the subcase:

Two Plus Ranch	<input type="checkbox"/>	overnight mail
274 Mobley Ln.	<input checked="" type="checkbox"/>	regular mail
Boise ID 83712	<input type="checkbox"/>	hand-delivered
	<input type="checkbox"/>	facsimile

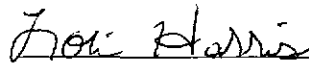
ARK Properties LLC	<input type="checkbox"/>	overnight mail
c/o John McCallum	<input checked="" type="checkbox"/>	regular mail
11204 N Bar 21 Dr	<input type="checkbox"/>	hand-delivered
Glenns Ferry ID 83623	<input type="checkbox"/>	facsimile



Casa Del Norte LLP  
Bruce M. Smith  
950 W. Bannock Ste. 520  
Boise ID 83702

☐ overnight mail  
☒ regular mail  
☐ hand-delivered  
☐ facsimile

☐ overnight mail  
☐ regular mail  
☐ hand-delivered  
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

WESTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

April 3, 2007

ARK PROPERTIES LLC  
C/O JOHN MC CALLUM  
11204 N BAR 21 DR  
GLENN'S FERRY ID 83623-5033

Re: Water Right No. 63-2046

Dear Sir or Madam:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

Lori Harris  
Technical Records Specialist 2  
Adjudication Section  
Western Region Office

LH:1  
Enclosures

cc: Two Plus Ranch  
Bruce Smith-Moore, Smith, Buxton & Turcke

## Egbert, Sandy

---

**From:** Harvey, Becky  
**Sent:** Friday, March 30, 2007 1:05 PM  
**To:** Egbert, Sandy  
**Subject:** FW: 04-03-07, Scheduling Conf: 63-02046, Casa del Norte, LP (formerly Two Plus Ranch)



Notice of Change  
.pdf

FYI

-----Original Message-----

From: Tammy A. Zokan [mailto:TAZ@msbtlaw.com]  
Sent: Friday, March 30, 2007 1:03 PM  
To: Harvey, Becky  
Subject: FW: 04-03-07, Scheduling Conf: 63-02046, Casa del Norte, LP  
(formerly Two Plus Ranch)

-----Original Message-----

From: Tammy A. Zokan  
Sent: Friday, March 30, 2007 1:01 PM  
To: 'becky.harvey@idwr.id.gov'; 'fredric\_price@blm.gov'  
Cc: Bruce M. Smith; Deb Smith  
Subject: FW: 04-03-07, Scheduling Conf: 63-02046, Casa del Norte, LP  
(formerly Two Plus Ranch)

Becky - The Change of Ownership document is attached. Please update the SF5 form and the SF5 attachment as follows:

1. Substitute ARK Properties, LLC for Casa Del Norte on the SF5.
2. Please do the same on the Certificate of Mailing
3. Insert Bruce's correct address on the Certificate of Mailing: 950 West Bannock, Suite 520, Boise 83702.
4. Substitute ARK Properties, LLC for Casa Del Norte on the SF5 attachment. Additionally, the claimant's records show that the previous owner is Sand Springs Ranch, also informally known as the Two Plus Ranch.

Please call or email with any questions. Thanks!

Tammy A. Zokan  
Moore Smith Buxton & Turcke, Chtd.  
950 West Bannock, Suite 520  
Boise, Idaho 83702  
Direct: (208) 331-1804  
Fax: (208) 331-1202  
taz@msbtlaw.com

CONFIDENTIALITY NOTICE: This transmission is intended only for the use of the individual(s) named as recipients. It may contain information that is privileged, confidential and/or protected from disclosure under applicable law including, but not limited to, the attorney client privilege and/or work product doctrine. If you are not the intended recipient of this transmission, please notify the sender immediately by telephone. Do not deliver, distribute or copy this transmission, disclose its contents, or take any action in reliance on the information it contains. This e-mail is not intended for release to opposing

parties, opposing counsel or any other third person or entity. Copies of this e-mail should not be kept in your regular files. If you print a copy of this e-mail, place it in a separate file labeled "Attorney-Client Privilege". Do not produce a copy of this e-mail in discovery.

-----Original Message-----

From: Tammy A. Zokan  
Sent: Wednesday, March 28, 2007 4:41 PM  
To: 'Brown, Larry (ENRD)'  
Subject: RE: 04-03-07, Scheduling Conf: 63-02046, Casa del Norte, LP (formerly Two Plus Ranch)

Attached is the Change of Ownership filed on behalf of the McCallums today. I will contact IDWR regarding revising the SF5 to reflect ARK Properties as the claimant.

Tammy A. Zokan  
Moore Smith Buxton & Turcke, Chtd.  
950 West Bannock, Suite 520  
Boise, Idaho 83702  
Direct: (208) 331-1804  
Fax: (208) 331-1202  
taz@msbtlaw.com

-----Original Message-----

From: Brown, Larry (ENRD) [mailto:Larry.Brown@usdoj.gov]  
Sent: Monday, March 26, 2007 11:27 AM  
To: Tammy A. Zokan  
Subject: FW: 04-03-07, Scheduling Conf: 63-02046, Casa del Norte, LP (formerly Two Plus Ranch)

The documents are attached.

RECEIVED

MAR 28 2007

WATER RESOURCES  
WESTERN REGION

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-02046					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)	Sand Springs Ranch & Company (aka Two Plus Ranch)
4. New Owner/Claimant(s)	ARK Properties, LLC C/O John McCallum
	Name Connector (Check one): <input type="checkbox"/> and, <input type="checkbox"/> or, <input type="checkbox"/> and/or
New Mailing Address	11204 N. Bar 21 Drive
City, State and ZIP Code	Glenns Ferry, ID 83623
New Telephone Number	(208) 336-7931



Form 42-242/42-1405(6) (2/2005)

5. Date you acquired the property

January 12, 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
<b>Water Right and/or Adjudication Claim Number</b> 63-02046		
Irrigation	Claim: 3.4; Recommendation: 2.7	License: 175 acres
Stock		Recommendation: 13
Domestic		acres
Other		
Totals		
<b>Water Right and/or Adjudication Claim Number</b>		
Irrigation		
Stock		
Domestic		
Other		
Totals		
<b>Water Right and/or Adjudication Claim Number</b>		
Irrigation		
Stock		
Domestic		
Other		
Totals	Claim 3.4; Recommend: 2.7	License: 175 acres Recommend: 135 acres

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)



(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature] Date Mar. 28, 07  
 Received by [Signature] Date 4-2-07  
 Processed by [Signature] Date 4-2-07

Receipt Amt. N/A  
 Receipt No.                       
 WR                      Date Mar. 28, 07

Notice of Change in Water Right Ownership - Form, Page 2 of 2

BEING RE-RECORDED TO CORRECT

## WARRANTY DEED

## FOR VALUE RECEIVED

Sand Springs Ranch &amp; Company, an Idaho general partnership

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto  
Ack Properties, LLCGRANTEE(S), whose current address is: 11204 N Bar 21 Dr  
the following described real property in Elmore  
more particularly described as follows, to wit:Glenus Ferry, Idaho 83623  
County, State of Idaho,

(See Attached)

## RE-RECORDED

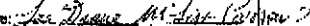
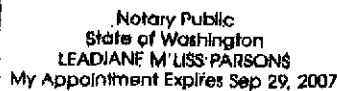
Instrument # 368533  
Elmore County, Idaho  
02:51pm Aug. 11, 2005  
For: GUARANTY TITLE INC  
No. of Pages: 6 Fee: \$18.00  
GAIL L. BEST, Recorder  
Deputy: JC

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever, except those of record.

Dated: December 22, 2004

  
Sand Springs Ranch & Company 12/28/04STATE OF WA }  
COUNTY OF Clark }

On this 22th day of December  
in the year 2004, before me, a Notary Public, personally  
appeared Tom N. Ambrose known  
or identified to me to be (one of the parties) in the partnership  
of Sand Springs Ranch & Company  
and the partner(s) who subscribed said partnership name to the  
foregoing instrument, and acknowledged to me that he/she/they  
executed the same in said partnership name.

Signature:   
Residing at: Vancouver  
Comm. Exp: 9/29/07Instrument # 362874  
Elmore County, Idaho  
02:18pm Jan. 12, 2005  
For: GUARANTY TITLE INC  
No. of Pages: 6 Fee: \$18.00  
GAIL L. BEST, Recorder  
Deputy: DLE

Notary Public  
State of Washington  
LEADIANE M'UISS-PARSONS  
My Appointment Expires Sep 29, 2007

CASE NO. 04-1267

## LEGAL DESCRIPTION.

Township 3 North, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 12: The E1/2SE1/4, lying North and East of Yates Center Highway District rights-of-way.

Section 13: The NE1/4NE1/4, lying North and East of Yates Center Highway District rights-of-way,

AND

A parcel of land in the NW1/4SW1/4 lying North and West of the following parcel of land:

A tract of land in the W1/2SW1/4 of Section 13 in T1N, R4E, B.M., Elmore County, Idaho being more particularly described as follows: Commencing at the one-quarter corner common to Sections 13 and 14, T1N, R4E, B.M., from which the section corner common to Sections 13, 14, 23, and 24, T1N, R4E, B.M. all in Elmore County, Idaho,

bears S.0°12'W. 2631.13 feet, thence N.89°07'17"E. along the east-west mid-section line of said Section 13, 376.29 feet to a steel pin, the REAL POINT OF BEGINNING;

thence N.89°07'17"E. along said mid-section line, 943.67 feet to a steel pin marking the northeast corner of the W1/2SW1/4 of said Section 13;

thence S.0°07'21"W. along the east boundary line of said W1/2SW1/4 of

Section 13, 1869.86 feet to a steel pin;

thence S.89°07'17"W. 1322.49 feet to a point on the section line common to said Sections 13 and 14; thence N.0°, 1400 feet more or less;

thence N.35°48'06"E. 646.27 feet to the REAL POINT OF BEGINNING;

AND that portion of the SE1/4SE1/4 lying South and East of the centerline of the Boise-Mayfield and Regina Roads.

Section 14: SW1/4

Section 15: SE1/4SE1/4

Section 22: N1/2 and N1/2S1/2

Section 23: All Save and Except the following two parcels of land:

Parcel 1: Beginning at the Northeast corner of said Section 23 a point marked by a Brass Cap; thence along the North line of said Section 23

North 89°57'41" West 1061.92 feet on the Easterly Right-of-Way line of Slater Creek Road said line lying 30.00 feet from the physical centerline as surveyed said point marked by a 5/8" iron pin; thence along said Right-of-Way

South 10°22'00" West 222.45 feet to a point; thence

South 5°33'00" West 331.60 feet to a point; thence along a curve

(See Attached)

CASE NO.: 04-1267

## LEGAL DESCRIPTION.

to the right whose central angle is 22°00'00" whose radius is 450.00 feet, whose length is 172.79 feet and whose long chord bears South 16°33'00" West 171.73 feet to a point; thence South 27°33'00" West 379.71 feet to a point; thence South 34°58'00" West 145.82 feet to a point; thence along a curve to the left whose central angle is 27°49'00", whose radius is 315.00 feet, whose length is 152.93 feet and whose long chord bears South 21°03'30" West 151.43 feet to a point; thence South 7°09'00" West 376.25 feet to a point; thence along a curve to the left whose central angle is 13°41'00", whose radius is 595.00 feet, whose length is 142.10 feet and whose long chord bears South 0°18'30" West 141.76 feet to a point; thence South 6°32'00" East 197.33 feet to a point; thence along a curve to the right whose central angle is 37°15'00", whose radius is 355.00 feet, whose length is 230.80 feet and whose long chord bears South 12°05'30" West 226.75 feet to a point; thence South 30°43'00" West 191.95 feet to a point; thence along a curve to the right whose central angle is 23°06'00", whose radius is 495.00 feet, whose length is 199.57 feet and whose long chord bears South 42°16'00" West 198.22 feet to a point; thence South 53°49'00" West 160.75 feet to a point; thence South 49°05'00" West 203.86 feet to a point; thence along a curve to the left whose central angle is 18°38'00", whose radius is 460.00 feet, whose length is 149.60 feet and whose long chord bears South 39°46'00" West 148.94 feet to a point; thence South 30°27'00" West 187.59 feet to a point; thence South 35°31'00" West 132.24 feet to a point; thence along a curve to the left whose central angle is 14°46'00" whose radius is 470.00 feet, whose length is 121.13 feet and whose long chord bears South 28°08'00" West 120.80 feet to a point; thence South 20°45'00" West 61.46 feet to a point; thence along a curve to the right whose central angle is 22°10'00", whose radius is 360.00 feet, whose length is 139.28 feet and whose long chord bears South 31°50'00" West 138.41 feet to a point; thence South 42°55'00" West 19.03 feet to a point on the Northerly Right-of-Way line of Indian Creek Rd.; said line lying 30.00 feet from the physical centerline as surveyed; thence along said Northerly Right-of-Way line South 84°55'00" East 486.50 feet to a point; thence along a curve to the right whose central angle is 15°47'00", whose radius is 570.00 feet, whose length is 157.02 feet and whose long chord bears South 77°01'30" East 156.52 feet to a point; thence South 69°08'00" East 45.33 feet to a point; thence along a curve to the left whose central angle is 36°25'00", whose radius is 530.00 feet, whose length is 336.86 feet and whose long chord bears South 87°20'30" East 331.22 feet to a point; thence North 74°27'00" East 133.26 feet to a point; thence along a curve to the left whose central angle is 29°32'00", whose radius is 275.00 feet, whose length is 141.75 feet and whose long chord

(See Attached)

CASE NO.: 04-1267

## LEGAL DESCRIPTION

bears North 59°41'00" East 140.19 feet to a point; thence North 44°55'00" East 92.20 feet to a point; thence along a curve to the right whose central angle is 16°02'00", whose radius is 490.00 feet, whose length is 137.12 feet and whose long chord bears North 51°56'00" East 136.67 feet to a point; thence North 60°57'00" East 162.67 feet to a point; thence along a curve to the right whose central angle is 13°15'00", whose radius is 675.00 feet, whose length is 156.10 and whose long chord bears North 67°34'30" East 155.75 feet to a point; thence North 74°12'00" East 47.70 feet to a point; thence along a curve to the left whose central angle is 9°30'00", whose radius is 750.00 feet, whose length is 124.35 feet and whose long chord bears North 69°27'00" East 124.21 feet to a point; thence North 64°42'00" East 47.31 feet to a point; thence along a curve to the left whose central angle is 25°13'17", whose radius is 395.00 feet, whose length is 173.88 feet and whose long chord bears North 52°05'22" East 172.48 feet to a point; thence North 39°28'43" East 97.62 feet to a 5/8" iron pin on the East line of said Section 23; thence along said East line North 00°08'37" East 124.09 feet to the East 1/4 Corner of said Section 23; thence continuing along said East line North 0°08'46" East 2615.09 feet to THE POINT OF BEGINNING.

Parcel 2: That portion of the NE1/4NE1/4 North and West of Slater Creek Road.

Section 24: W1/2NE1/4, NW1/4, S1/2, E1/2NE1/4

Section 25: W1/2, W1/2E1/2, SE1/4NE1/4

Section 26: N1/2NW1/4, SE1/4NW1/4, NE1/4SW1/4, E1/2 and the following described parcel of land:

Beginning at the quarter section corner common to Sections 26 and 27, and running thence North on the Section line 250.0 feet to a point being the REAL POINT OF BEGINNING; thence running North 58°10' East along a fence 1554.3 feet to the 1/16 line; thence North 243.0 feet to the 1/16 corner; thence West 1320 feet to the 1/16 corner; thence South 1070 feet to the REAL POINT OF BEGINNING.

Section 27: The NW1/4 and that portion of the SE1/4NE1/4, described as follows:

Beginning at a point which is 1320 feet South of the section corner common to Sections 22, 23, 26 and 27, T1N, R4E, B.M., said point being the REAL POINT OF BEGINNING; running thence South on the Section line 1070 feet to a fence; thence South 58°10' West 488.6 feet to the 1/16 line; thence West 905.0 feet to the 1/16 line; thence North 1320 feet to the 1/16 corner; thence

(See Attached)



CASE NO. 04-1267

## LEGAL DESCRIPTION.

East 1320 feet to the REAL POINT OF BEGINNING.

And also

That portion of the NE1/4SE1/4 of Section 27, T1N, R4E, B.M., described as follows:

Beginning at a point 415.0 feet West of the Quarter corner common to Sections 26 and 27, T1N, R4E, B.M., said point being the REAL POINT OF BEGINNING; running thence West 905.0 feet to the 1/16 corner; thence South on the 1/16 line 561.8 feet to a point; thence North 58°10' East 1065.6 feet to the REAL POINT OF BEGINNING.

Section 34: E1/2NE1/4 and SE1/4

Section 35: W1/2NW1/4 AND SW1/4

Township 1 North, Range 5 East, Boise Meridian, Elmore County, Idaho.

Section 1: U.S. Government Lots 3 and 4, S1/2NW1/4, SW1/4, W1/2SE1/4

Section 2: All

Section 3: All

Section 4: U.S. Government Lots 1 and 2, S1/2NE1/4, SE1/4, E1/2SW1/4

Section 5: U.S. Government Lots 1 and 2, S1/2N1/2 and S1/2

Section 7: U.S. Government Lots 3 and 4, E1/2SW1/4, NW1/4SE1/4

Section 8: NE1/4, E1/2NW1/4, S1/2

Section 9: NE1/4, E1/2NW1/4, NW1/4NW1/4, S1/2

Section 10: N1/2, SW1/4, W1/2SE1/4

Section 11: N1/2

Section 12: NW1/4, W1/2NE1/4, SE1/4NE1/4, N1/2S1/2, SE1/4SE1/4

Section 15: N1/2NW1/4

Section 17: All

Section 18: U.S. Government Lot 1 and U.S. Government Lots 2, 3, and 4 lying East of Boise-Mayfield Road, E1/2NW1/4, NW1/4NE1/4, E1/2SW1/4 and SE1/4 Section 19: U.S. Government Lots 1, 2, 3 and 4, E1/2W1/2, NE1/4, W1/2SE1/4

Section 20: E1/2NW1/4, NE1/4

Section 21: W1/2NW1/4

Township 1 North, Range 6 East, Boise Meridian, Elmore County, Idaho.

Section 7: U.S. Government Lots 3 and 4

Township 1 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 2: U.S. Government Lots 3 and 4

(See Attached)

CASE NO.: 04-1267

LEGAL DESCRIPTION.

Township 2 North, Range 5 East, Boise Meridian, Elmore County,  
Idaho

Section 26: S1/2SW1/4

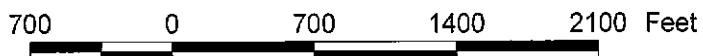
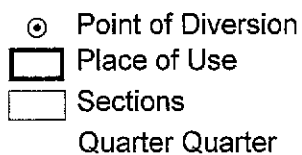
Section 27: S1/2S1/2

Section 33: E1/2, E1/2W1/2

Section 34: E1/2, W1/2NW1/4, SW1/4

Section 35: E1/2W1/2, SW1/4NW1/4, W1/2SW1/4

T01N R05E S8, 17, 18



IDWR  
Prepared by: Sandy Egbert  
Date: 9-28-05  
1987 Photography

**Shurte, Jan**

---

**From:** Harvey, Becky  
**Sent:** Friday, January 19, 2007 7:51 AM  
**To:** Shurte, Jan; Spencer, Nick  
**Subject:** FW: 63-02046, 63-03170 and 63-04397



63-02046 Change  
Ownership.pdf



63-03170 sf5.pdf



63-04397 email  
05-18-06.pdf

fyi

-----Original Message-----

**From:** Fredric\_Price@blm.gov [mailto:Fredric\_Price@blm.gov]  
**Sent:** Thursday, January 18, 2007 5:20 PM  
**To:** Harvey, Becky  
**Cc:** larry.brown@usdoj.gov  
**Subject:** Re: 63-02046, 63-03170 and 63-04397

Becky,

63-02046, Two Plus Ranch:

Bruce Smith has not filed Change of Ownership documents with IDWR, even though BLM sent him the form (mostly filled out) on 11-03-06. I've got a call into him.

(See attached file: 63-02046 Change Ownership.pdf)

63-03170, Vander Stelt Dairy:

Larry reached a settlement with the claimant on 05-22-06. I just sent out the attached SF-5 to the claimant.

(See attached file: 63-03170 sf5.pdf)

63-04397, W A Sheperd:

Larry reached a settlement with the claimant on 05-18-06. The claimant agreed to delete the 0.5 acre POU on BLM for irrigation and take the proportionate reduction in quantity (if there is one). We need an SF-5 from IDWR.

(See attached file: 63-04397 email 05-18-06.pdf)

Fred

"Harvey, Becky"

<Becky.Harvey@id

wr.idaho.gov>

To

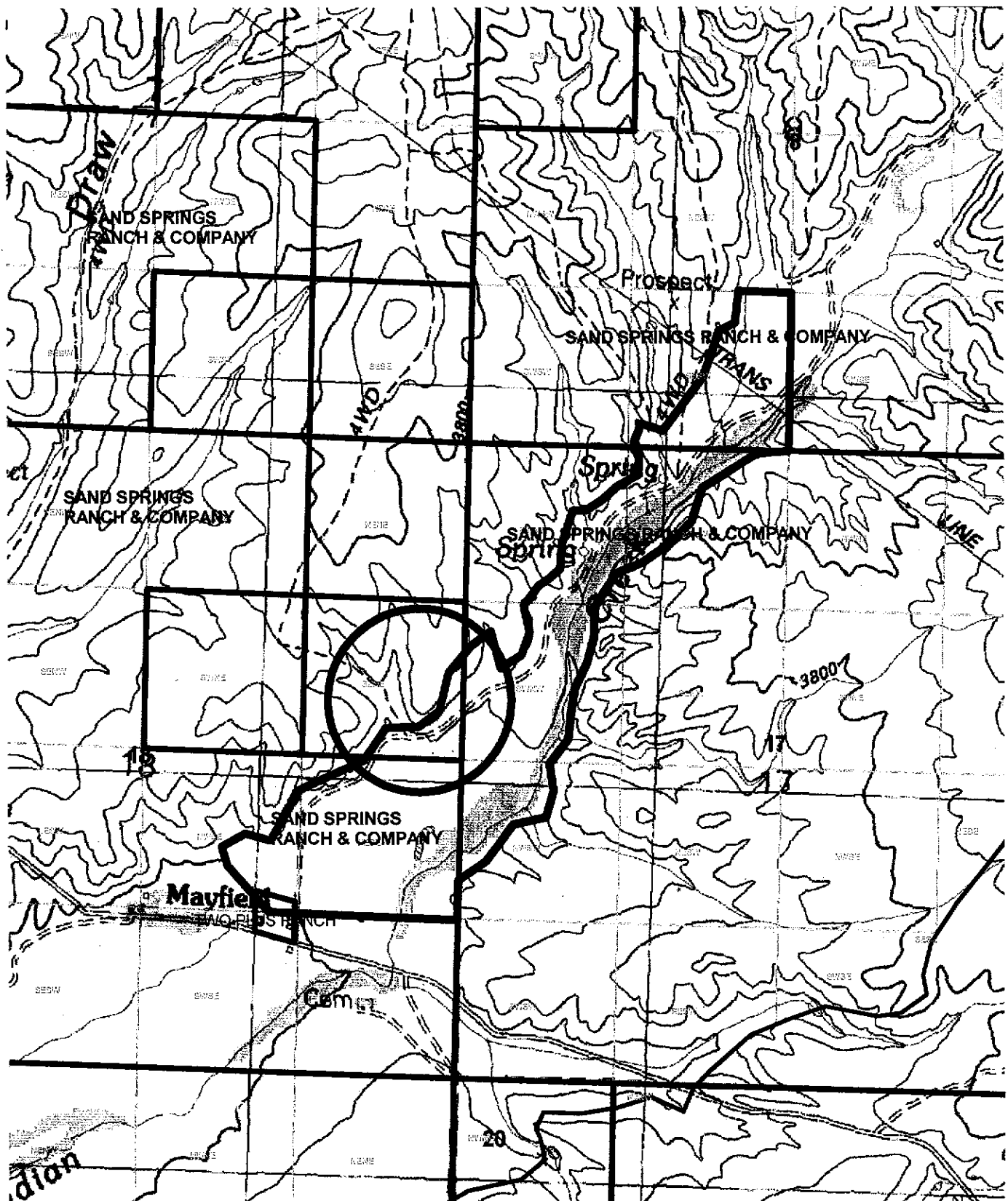
<Fredric\_Price@blm.gov>

01/18/2007 04:05

cc

PM

63-2046



0.2 0 0.2 0.4 0.6 Miles





RECEIVED

MAY 16 2006

DEPARTMENT OF  
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 63-2046

(insert water right number  
from the Objection Form)

**STANDARD FORM 2  
RESPONSE TO OBJECTION**

Please **print or type** the following information:

**B. NAME AND ADDRESS OF PERSON RESPONDING**

Name: Casa Del Norte, LP

Address: c/o John McCallum

11204 N Bar 21 Dr., Glenns Ferry, ID 83623

Daytime Phone: 208-366-7931

Name & Address of Attorney, if any:

Bruce M. Smith

225 North Ninth Street, Suite 420

Boise, ID 83702

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO  
WHICH YOU ARE RESPONDING**

Name: United States of America acting through the Department of Interior

Address: Bureau of Land Management, Idaho State Office

1387 South Vinnell Way, Boise, ID 83709-1657

SCANNED  
OCT 04 2006

COPY

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use

11. Recommendation

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho )  
 )ss.  
County of Ada )

Bruce M. Smith, duly sworn, upon oath, deposes and says:  
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Subscribed and sworn to before me on:

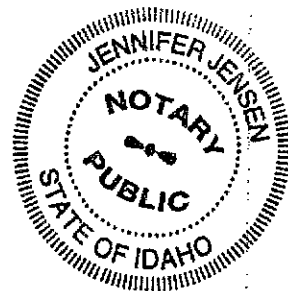
Signature of person filing response

Attorney signing in representative capacity

Notary Public for

Residing at:

My Commission Expires:



## INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F:

### CERTIFICATE OF MAILING

I certify that on May 15<sup>th</sup> 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Casa Del Norte, LP  
Address: c/o John McCallum; 11204 N Bar 21 Dr.; Glenns Ferry, ID 83623

3. One copy to the party who filed the objection at the following address:

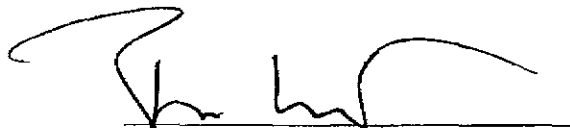
Name: United States of America acting through the Department of Interior, BLM  
Address: 1387 South Vinnell Way, Boise, ID 83709-1657

4. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
Your signature or signature of attorney  
mailing on your behalf

RECEIVED  
APR 21 2006  
DEPARTMENT OF  
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

A. Subcase 63-02046  
(Insert water right number)

Case No. 39576 )

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way  
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax  
United States Department of Justice  
Environment and Natural Resource Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT**

Name: Two Plus Ranch  
Address: 274 Mobley Lane; Boise, Idaho 83712  
Name:  
Address: ;  
Name:  
Address: ;  
Name:  
Address: ;

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be:
2. ☐ **Source**  
Should be:
3. ☐ **Quantity**  
Should be:
4. ☐ **Priority Date**  
Should be:
5. ☐ **Point(s) of Diversion**  
Should be:
6. ☐ **Instream Flow Description**  
Should be:
7. ☐ **Purpose(s) of Use**  
Should be:
8. ☐ **Period of Year**  
Should be:
9. ☒ **Place of Use**  
Should be: See attached.

**11. I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.



F.

**VERIFICATION** (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

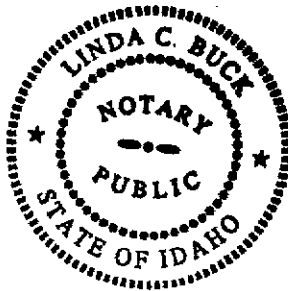
Fredric W. Price  
(Signature of person filing objection)

Dawn Nagin for LAB  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 19, 2006

Linda C. Buck  
Linda C. Buck



Notary Public for Idaho

Residing at: Mountain Home,

My Commission Expires: 12-21-2011

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**  
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

### CERTIFICATE OF MAILING

I certify that on 4-19-, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

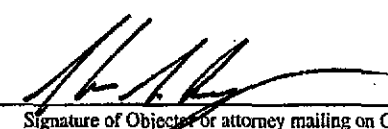
Name: Two Plus Ranch  
Address: 274 Mobley Lane; Boise, Idaho 83712  
Name:  
Address: ;  
Name:  
Address: ;  
Name:  
Address: ;

3. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
\_\_\_\_\_  
Signature of Objector or attorney mailing on Objector's behalf

12/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2046  
NAME AND ADDRESS: TWO PLUS RANCH  
274 MOBLEY LN  
BOISE ID 83712

POU on BLM:  
Claimant is not authorized to farm public lands.

SOURCE: INDIAN CREEK  
QUANTITY: 2.700 CFS  
PRIORITY DATE: 11/07/1906

TRIBUTARY: INDIAN CREEK RESERVOIR

POINT OF DIVERSION: T01N R05E S8 SWSE Within ELMORE County  
T01N R05E S17 SWNW Within ELMORE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.700 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T01N R05E S08	SESW	23.00	T01N R05E S17	NENW	13.00
T01N R05E S17	NWNW	10.00	T01N R05E S17	SWNW	24.00
T01N R05E S17	NWSW	11.00	T01N R05E S18	SENE	6.00
T01N R05E S18	NESE	40.00	T01N R05E S18	NWSE	8.00

BLM

135 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

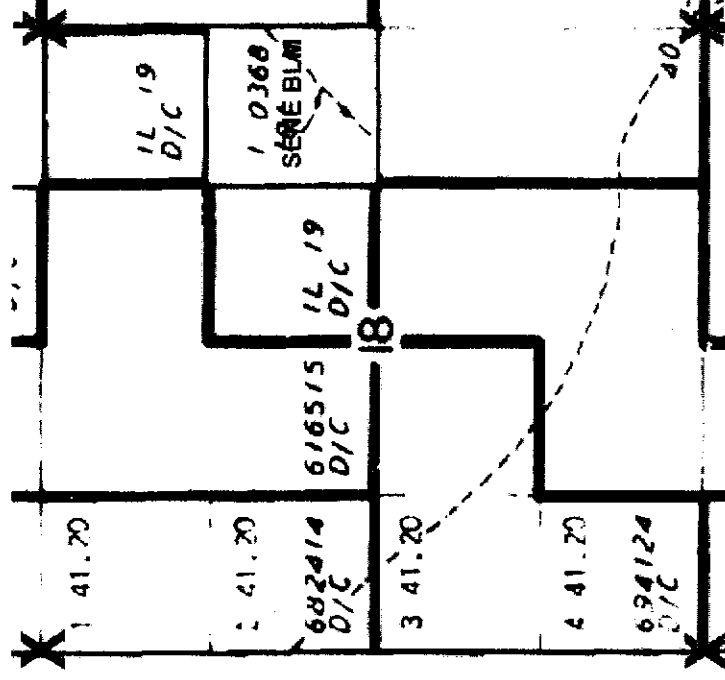
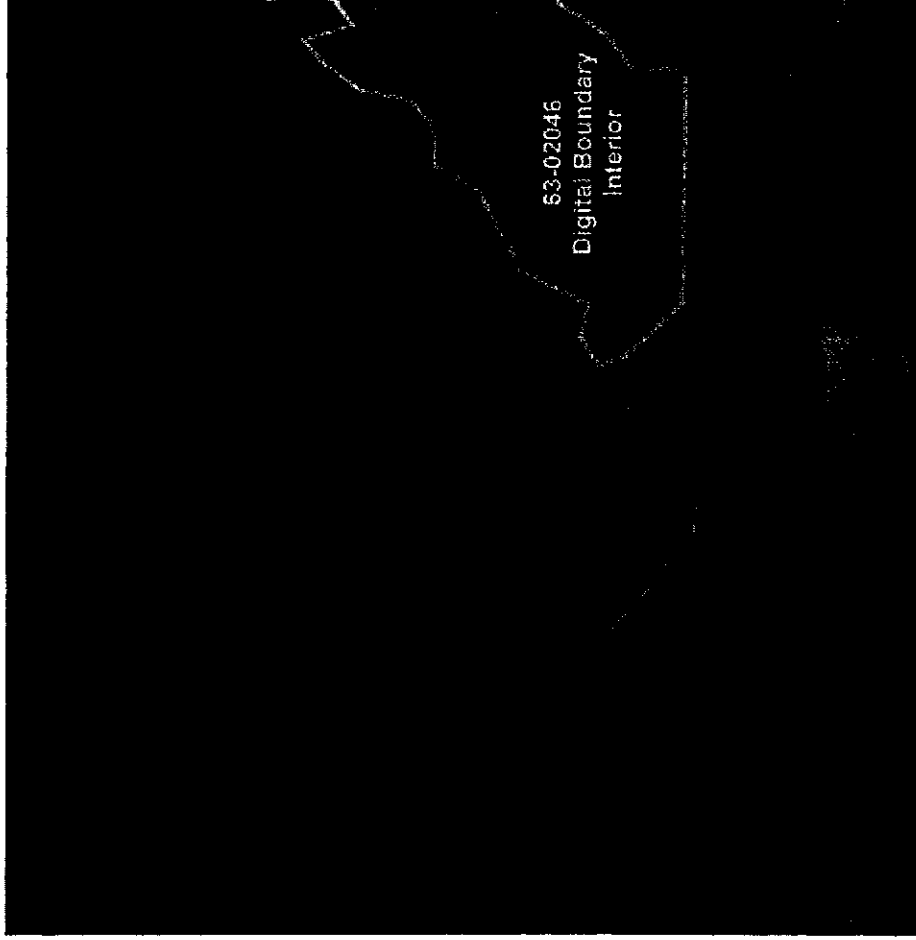
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

27-02046



27-02046  
T01N R05E S18



-Remove POU on BLM and adjust shapefile accordingly.



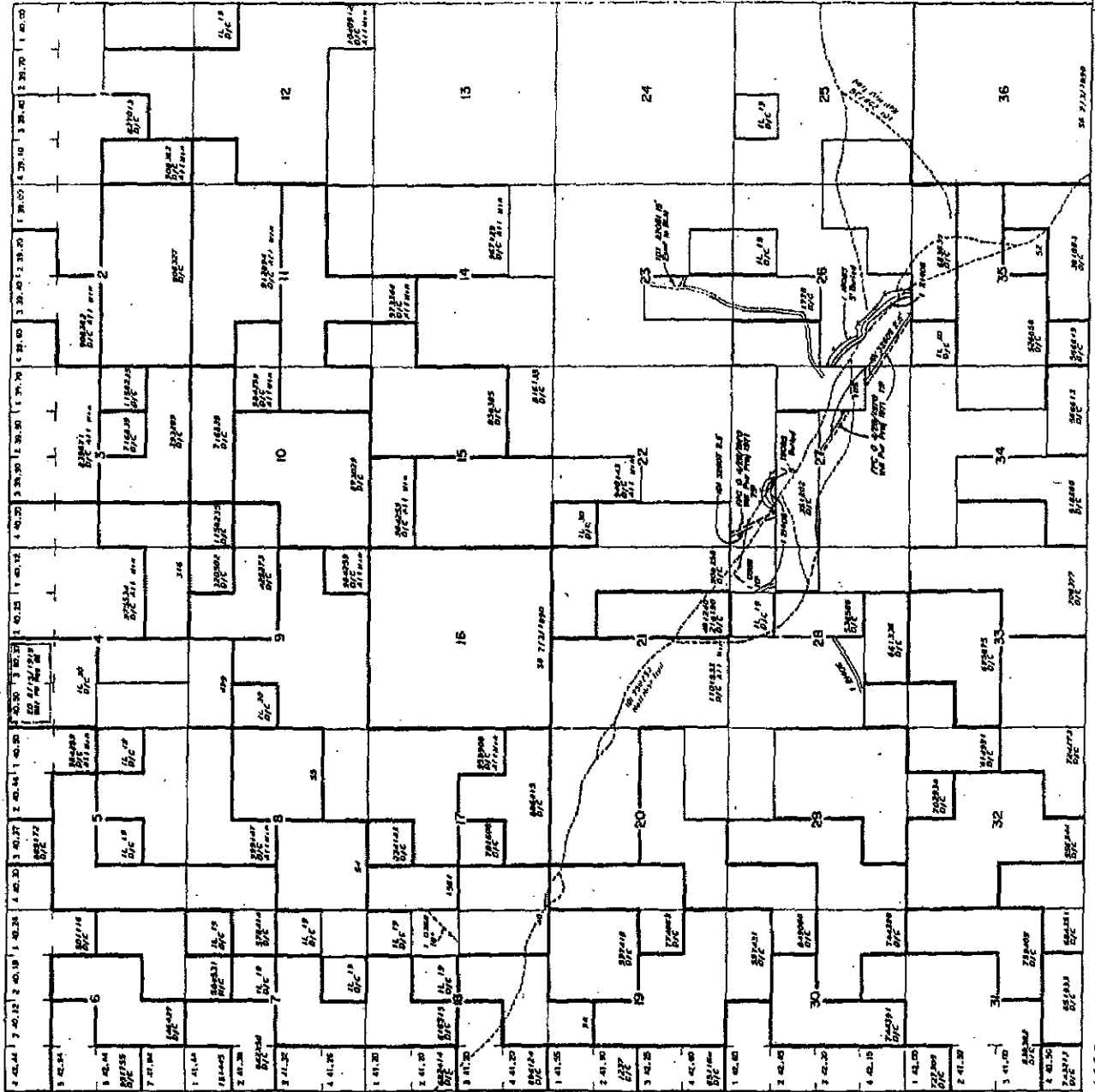
# TOWNSHIP 1 NORTH RANGE 5 EAST OF THE BOISE MERIDIAN, IDAHO

ELMORE COUNTY 039

BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

## MT PLAT



INDEX TO SEGREGATED TRACTS	
TRACT NO.	ORIGINAL SURVEY
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
26	26
27	27
28	28
29	29
30	30
31	31
32	32
33	33
34	34
35	35
36	36

TO 2347236 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347233 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347236 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347233 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347236 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347233 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347236 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347233 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347236 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347233 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347236 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347233 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347236 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347233 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347236 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347233 (and first 100)  
Historical information only, does not denote  
public access.

TO 2347236 (and first 100)  
Historical information only, does not denote  
public access.

Scale Bar  
1" = 1 MI  
R. SE

WARNING STATEMENT  
This plat is a preliminary plat and is subject to change without notice. It is not to be used as a basis for any claim or interest in the land shown hereon.

SCALE IN CHAINS  
1" = 1 CHAIN  
1" = 66 FEET

Lat. 43°28'19"  
Long. 115°50'19"  
1 S-5 E



09/28/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2046

NAME AND ADDRESS: TWO PLUS RANCH  
274 MOBLEY LN  
BOISE ID 83712

SOURCE: INDIAN CREEK

TRIBUTARY: INDIAN CREEK RESERVOIR

QUANTITY: 2.700 CFS

PRIORITY DATE: 11/07/1906

POINT OF DIVERSION:

T01N R05E S8 SWSE Within ELMORE County

T01N R05E S17 SNNW Within ELMORE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY 2.58 CFS

IRRIGATION

03/15 11/15

2.700 CFS

PLACE OF USE:

IRRIGATION Within ELMORE County

T01N R05E S08	SESW	23.0	T01N R05E S17	NENW	13.0
T01N R05E S17	NWNW	10.0	T01N R05E S17	SNNW	24.0
T01N R05E S17	NWSW	11.0	T01N R05E S18	SENE	6.0
T01N R05E S18	NESE	40.0	T01N R05E S18	NWSE	8.0

135 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

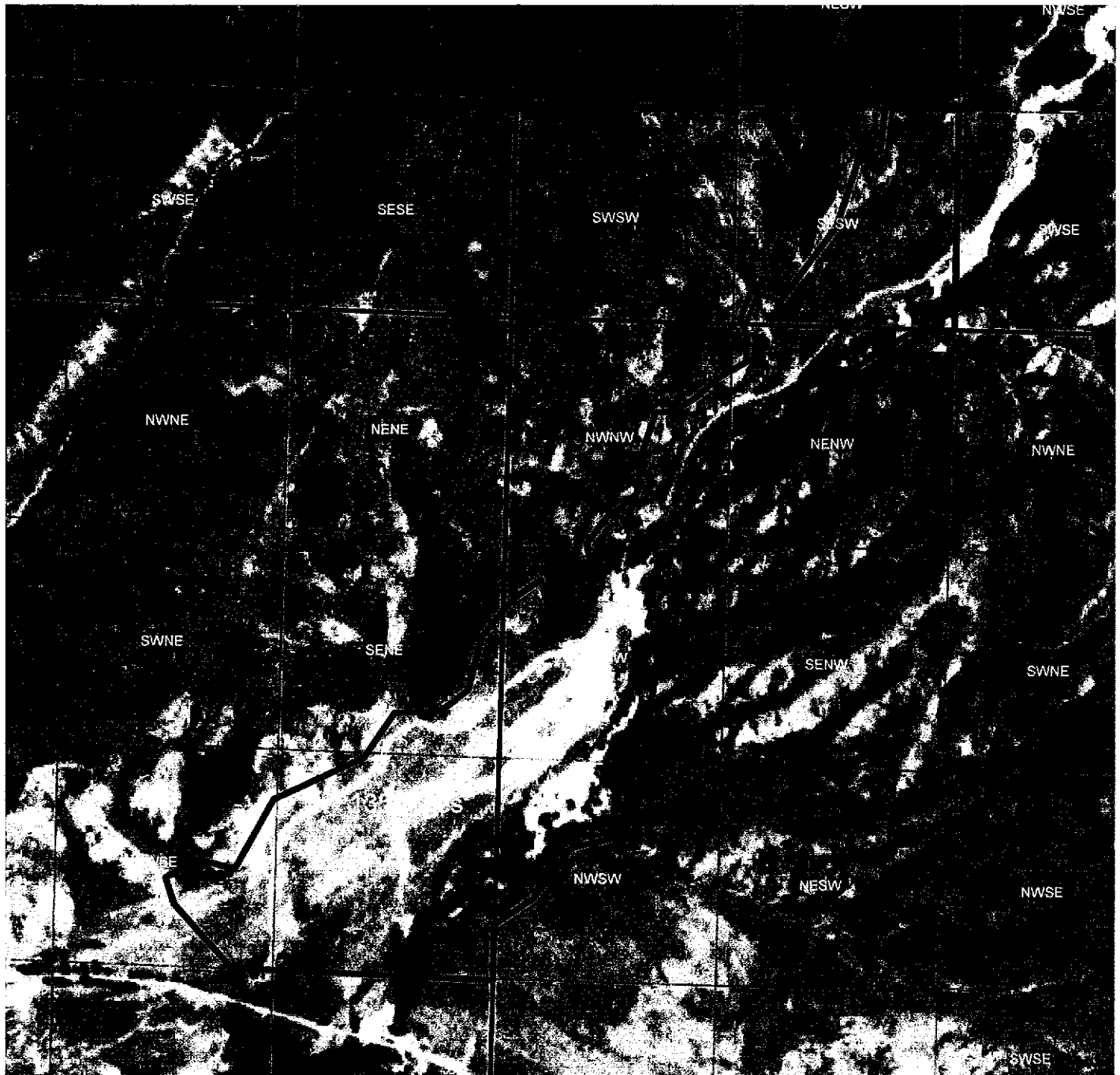
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

# Idaho Department of Water Resources

## 63-2046

### T01N R05E S8, 17, 18



- ⊙ Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter



700 0 700 1400 2100 Feet

IDWR  
Prepared by: Sandy Egbert  
Date: 9-28-05  
1987 Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2046 V1

WATER RIGHT NUMBER: 63-2046 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WESTERN LAND & CATTLE CO
	BOISE, ID
Original Owner	JENNIE L BECK
	, ID
Current Owner	TWO PLUS RANCH
	274 MOBLEY LN
	BOISE, ID 83712
	(208)342-8862

Priority Date: 11/07/1906

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
INDIAN CREEK	INDIAN CREEK RESERVOIR

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.700 CFS	
	<u>Total Diversion:</u>	2.700 CFS	

Location of Point(s) of Diversion

INDIAN CREEK	SW1/4SE1/4	Sec. 8, Twp 01N, Rge 05E, B.M.
ELMORE County		
INDIAN CREEK	SW1/4NW1/4	Sec. 17, Twp 01N, Rge 05E, B.M.
ELMORE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	05E	8												23.0					23.0
01N	05E	17					13.0	10.0	24.0		11.0								58.0
01N	05E	18				6.0									40.0	8.0			54.0

Total Acres: 135

Conditions of Approval:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-2046 V1

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. segbert 9/28/2005 POU

Comment: Part of the POU was claimed in the NE Q of section 17 which seems an obvious error according to the map in the file and the aerial photography so the POU was changed to the NW Q of section 17 in the Recommendation. The acres were reduced because there was not 165 acres of irrigation showing on the 1987 aerial photo. The POU was reduced to 135 acres.

2. segbert 9/28/2005 Quantity

Comment: The diversion rate was reduced from 3.4 (on the claim) to 2.7 to reflect the reduction in acres on the POU

Dates and Other Information:

Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Defendant:  
 Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Notice of Error Flag:  
 State or Federal: S  
 Owner Name Connector: AND  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	9/28/2005 1:10:48 PM	segbert			Active
POD	9/28/2005 1:11:06 PM	segbert			Active
Source	9/28/2005 1:12:55 PM	segbert			Active
POU	9/28/2005 1:13:47 PM	segbert			Active
Use	9/28/2005 1:26:59 PM	segbert			Active
Season	9/28/2005 1:35:58 PM	segbert			Active
Quantity	9/28/2005 1:39:32 PM	segbert			Active
Summary			09/28/2005	segbert	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-2046 V1

Use	9/28/2005 1:27:00 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	9/28/2005 1:11:52 PM	segbert	Updated shape
POD	9/28/2005 1:12:29 PM	segbert	Updated shape
Source	9/28/2005 1:12:56 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	9/28/2005 1:13:47 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	9/28/2005 1:26:35 PM	segbert	Updated shape for Active POU
Quantity	9/28/2005 1:39:32 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-2046 V1

Summary	9/28/2005 1:50:17 PM	segbert	<p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(No) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p>
General	9/28/2005 1:10:49 PM	segbert	<p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p>
POD	9/28/2005 1:11:07 PM	segbert	<p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>
Season	9/28/2005 1:35:59 PM	segbert	<p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>
POD	9/28/2005 1:49:33 PM	segbert	Updated shape

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2046

WATER RIGHT NUMBER: 63-2046

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TWO PLUS RANCH 274 MOBLEY LN BOISE, ID 83712 (208)342-8862
Original Owner	WESTERN LAND & CATTLE CO  BOISE, ID
Original Owner	JENNIE L BECK  ID

Priority Date: 11/07/1906 ✓

Basis: License ✓

Status: Active ✓

<u>Source</u>	<u>Tributary</u>
INDIAN CREEK ✓	INDIAN CREEK RESERVOIR

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	3/01 to 11/01	3.400 CFS	—
	<i>from 3-15 to 11-15</i>	<i>2.7</i>	
	<u>Total Diversion:</u>	3.400 CFS	

Location of Point(s) of Diversion

INDIAN CREEK ✓	SW1/4NW1/4 ✓	Sec. 17, ✓ Twp 01N, Rge 05E, B.M.
ELMORE County		
INDIAN CREEK ✓	SW1/4SE1/4 ✓	Sec. 8, ✓ Twp 01N, Rge 05E, B.M.
ELMORE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	05E	8																	40.0 23
01N	05E	17	20.0	20.0	20.0		13	10.0	24					11					65.0 58
01N	05E	18													15.0 6				40.0 15.0 40 8

Total Acres: 175 ✓

165 135

Conditions of Approval:



## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-2046

1. TRANS. 1951.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 12/7/1989  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector: AND  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

## Priority Date Data Entry Form

Claim Number 63-2046

Claimed Priority Date: 11/7/1906

Claimed Basis: License

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 11/7/1906

Water Right Basis: License

Recommended Priority Date \_\_\_\_

Recommended Basis \_\_\_\_\_

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

See 1908 license

---

---

---

---

---

---

---

---

---

---

---

---

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## Point of Diversion and Source Data Entry Form

Claim Number 63-2046

### Claimed Point of Diversion and Source

T01N R05E S8 SWSE Within ELMORE County Source: INDIAN CREEK INDIAN CREEK RESERVOIR

T01N R05E S17 SWNW Within ELMORE County Source: INDIAN CREEK INDIAN CREEK RESERVOIR

☒ Use Claimed POD and Source as Recommended POD and Source

### Water Right Point of Diversion and Source

T01N R05E S8 SWSE Within ELMORE County

T01N R05E S17 SWNW Within ELMORE County

### Recommended Point of Diversion and Source

#### Source Information

Source

Tributary To


Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? \_\_\_\_\_

Document how the POD and Source were verified:

*Transfer 63 2046 (#1951) changed 1 point of diversion from the license and added a point of diversion. Transfer dated 3-26-1974*

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## Place Of Use Data Entry Form

Claim Number 63-2046

## Claimed Place Of Use

T01N R05E S08	SESW	40.0	T01N R05E S17	NENE	20.0
T01N R05E S17	NWNE	20.0	T01N R05E S17	SWNE	20.0
T01N R05E S17	SWNW	5.0	T01N R05E S18	SENE	15.0
T01N R05E S18	NESE	40.0	T01N R05E S18	NWSE	15.0

Total Acres 175

   Use Claimed POU as Recommended POU

## Water Right Place Of Use

T01N R05E S08	SESW	40.0	T01N R05E S17	NENE	20.0
T01N R05E S17	NWNE	20.0	T01N R05E S17	SWNE	20.0
T01N R05E S17	SWNW	5.0	T01N R05E S18	SENE	15.0
T01N R05E S18	NESE	40.0	T01N R05E S18	NWSE	15.0

Total Acres 175

## Recommended Place of Use

         See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	SE	8	SESW		Elmore		23	Irrigation
1N	SE	17	NE NW		"		13	"
			NW NW		"		10	"
			SW NW		"		24	"
			NW SW		"		11	"
1N	SE	18	SE NE		"		6	"
			NE SE		"		40	"
			NW SE		"		8	"
Total Acres							135	

Document how the POU was verified:

Changed POU claimed in S17 NE Q to the NW Q which was an obvious error by looking at the aerial photography. Reduced the acreage to match what looks irrigated on the 1987 photography. This claim was from an old license and no field exam was ever done.

Reviewer: BEDate:

## Purpose of Use Data Entry Form

Claim Number 63-2046

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other


Document how the Purpose of Use was verified:


Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## Period of Use and Quantity Data Entry Form

Claim Number 63-2046

## Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/01	11/01	3.4	
Overall Diversion Rate	Overall Diversion Volume			

*Transfer 3-15 11-15*  
*3.4 2.7*

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

## Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/01	11/01	3.4	
Overall Diversion Rate	Overall Diversion Volume			

*3.4*

## Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

Document how the Period of Use and/or Diversion Rate were verified:

*135 acres x .02 cfs = 2.7*

*Rate was reduced because acres were reduced*

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

**Contacts Data Entry Form****Claim Number: 63-2046**

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	TWO PLUS RANCH	274 MOBLEY LN	BOISE	ID	83712	(208)342-8862
Original Owner	WESTERN LAND & CATTLE CO		BOISE	ID		
Original Owner	JENNIE L BECK			ID		

Date of Field Exam: \_\_\_\_\_ Time: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_

Directions to Property (if different from above) and/or update owner information:

---

---

---

---

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_





Overlap

63-29423 +

63-29422

63-29423 -

instream stock water

decreed 5-4-2004

63-29422

stockwater

**IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-2046**

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	
63-29423	Claim	01N	05E	8	SE	SW		STOCKWATER		SAND S
63-29425	Water Right	01N	05E	8	SE	SW		DOMESTIC		SAND S
63-29425	Water Right	01N	05E	8	SE	SW		STOCKWATER		SAND S
63-2046	Claim	01N	05E	8	SE	SW		IRRIGATION	40/175	TW
63-2046	Water Right	01N	05E	8	SE	SW		IRRIGATION	40/175	WESTER
63-2046	Claim	01N	05E	17	NE	NE		IRRIGATION	20/175	TW
63-2046	Water Right	01N	05E	17	NE	NE		IRRIGATION	20/175	WESTER
63-2046	Water Right	01N	05E	17	NW	NE		IRRIGATION	20/175	WESTER
63-2046	Claim	01N	05E	17	NW	NE		IRRIGATION	20/175	TW
63-2046	Claim	01N	05E	17	SW	NE		IRRIGATION	20/175	TW
63-2046	Water Right	01N	05E	17	SW	NE		IRRIGATION	20/175	WESTER
63-2046	Claim	01N	05E	17	SW	NW		IRRIGATION	5/175	TW
63-29423	Claim	01N	05E	17	SW	NW		STOCKWATER		SAND S
63-2046	Water Right	01N	05E	17	SW	NW		IRRIGATION	5/175	WESTER
63-2046	Water Right	01N	05E	18	SE	NE		IRRIGATION	15/175	WESTER
63-2046	Claim	01N	05E	18	SE	NE		IRRIGATION	15/175	TW
63-2046	Claim	01N	05E	18	NE	SE		IRRIGATION	40/175	TW
63-2046	Water Right	01N	05E	18	NE	SE		IRRIGATION	40/175	WESTER
63-29423	Claim	01N	05E	18	NE	SE		STOCKWATER		SAND S
63-2046	Claim	01N	05E	18	NW	SE		IRRIGATION	15/175	TW
63-29422	Claim	01N	05E	18	NW	SE		STOCKWATER		SAND S
63-2046	Water Right	01N	05E	18	NW	SE		IRRIGATION	15/175	WESTER